

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

DENISE BOGGS-WILKERSON,

Plaintiff,

v.

Consolidated Under  
ACTION NO. 2:10cv518

ALONZO ANDERSON, and  
UNITED STATES OF AMERICA,

Defendants.

FINAL ORDER

This matter comes before the court on the Motion to Remand to Norfolk Circuit Court or in the Alternative to Retain Jurisdiction and Proceed With Uninsured Motorists Claim on Its Merits ("Motion to Remand") filed by the plaintiff on August 1, 2011. The case is before the court for action on a second consolidated Complaint (originally assigned 2:11cv13, and hereinafter referred to as the "13-Complaint"), which was filed in Norfolk Circuit Court, removed to this court and consolidated under this Civil Action No. 2:10cv518. The matter was referred to a United States Magistrate Judge by order of September 21, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The Magistrate Judge's Report and Recommendation was filed on November 17, 2011. The magistrate judge recommended that the plaintiff's Motion to Remand be denied and the case be dismissed. By copy of the Report and Recommendation, the parties were advised of their right to file written objections thereto. On November 30, 2011, the court received plaintiff's Objection to the Magistrate Judge's Report and Recommendation and on December 13, 2011, the court received defendant's, United States of America, Response to plaintiff's Objection.

The court, having examined the objections to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed November 17, 2011. Accordingly, the United States is hereby SUBSTITUTED for Alonzo Anderson as the sole defendant, and plaintiff's Motion to Remand the Consolidated 13-Complaint is DENIED, and the case is DISMISSED against the United States as Virginia Code § 38.2-2206(F) creates no exception to its immunity from suit.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

It is so ORDERED.

/s/   
Rebecca Beach Smith  
Chief  
United States District Judge

Norfolk, Virginia  
December 30, 2011